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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS B. WATT III,
Plaintiff,

v.

JO ANNE B. BARNHART,
Commissioner of
Social Security,
Defendant.

CASE NO. 2:04-CV-00099-PAN

STIPULATION AND ~~proposed~~
ORDER RE CLARIFICATION OF
THE COURT'S MAY 19, 2005
MEMORANDUM OF DECISION

The parties to this action respectfully request that the Court issue the attached proposed order clarifying its May 19, 2005 Memorandum of Decision, regarding whether this case is reversed and remanded for further proceedings or for a grant of benefits. The parties feel that a specific directive either to remand for further proceedings, or, if appropriate, for a grant of benefits, will serve to ensure proper effectuation of the Court's decision in this case without undue delay.

The parties further stipulate that counsel for Plaintiff will provide a facsimile of this stipulation bearing counsel's signature for retention in Defendant's case file, and hereby authorizes counsel for Defendant to file this document in PDF format under the latter's Electronic

Case Filing password, pursuant to Local Rule 7-131.

DATED: June 28, 2005

/s/ Richard G. Grogan
RICHARD G. GROGAN
Attorney at Law

Attorney for Plaintiff

DATED: June 28, 2005

McGREGOR W. SCOTT
United States Attorney

By: /s/ Bobbie J. Montoya
BOBBIE J. MONTOYA
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Attorneys for Defendant

OF COUNSEL:

LUCILLE GONZALES MEIS
Chief Counsel, Region IX
JACQUELINE A. FORSLUND
Assistant Regional Counsel

Social Security Administration

ORDER

Pursuant to the stipulation of the parties herein, the Memorandum of Decision issued May 19, 2005 is hereby clarified as follows:

The administrative decision in this case is hereby reversed and remanded for further proceedings consistent with the Court's Memorandum of Decision.

SO ORDERED.

Dated: June 29, 2005.

/s/ Peter A. Nowinski
PETER A. NOWINSKI
Magistrate Judge